

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Michael D. Hancock 1854765
(full name) (Register No.)

18-3170-CV-5-MDH-P

Case No. _____

Plaintiff(s).

v.

Sheriff Jim C. Arnett, Major Danny
(Full name)
Cpt. Johnson, Cpt. Coonrod, Cpt. Howell,
Dr. Jason Wilkins, Eric Partenheimer
Defendant(s).

Defendants are sued in their (check one):

☐ Individual Capacity

☐ Official Capacity

☒ Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): GREENE COUNTY Jail
1000 N. Boonville Ave. Springfield, Mo. 65802

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Michael D. Hancock Register No. 1854765
Address GREENE COUNTY Jail 1000 N. Boonville Ave.
Springfield, Mo. 65802

B. Defendant Jim C. Arnett, Danny, Coonrod, Johnson, Howell
Jason D. Wilkins, Eric Partenheimer
Is employed as Sheriff, Major, Captain, Captain, Captain, Doctor
RN.

For additional plaintiffs or defendants, provide above information in same format on a separate page.

III. Do your claims involve medical treatment?

Yes ☒ No ☐

IV. Do you request a jury trial?

Yes ☒ No ☐

V. Do you request money damages?

Yes ☒ No ☐

State the amount claimed?

\$ 250,000 / 250,000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes ☒ No ☐

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

See Attach copies.

D. If you have not filed a grievance, state the reasons.

N/A

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes ☐ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: _____
(Plaintiff) (Defendant)

(2) Date filed: _____

- (3) Court where filed: N/A
- (4) Case Number and citation: N/A
- (5) Basic claim made: N/A
- (6) Date of disposition: N/A
- (7) Disposition: N/A
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: N/A
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

DR. W. Wilkins Has refused to send me to the hospital for surgery to fix my Hernia & to see a specialist for my nerve damage because I'm unable to pay for it.

SEE Attachment page 1
Sheriff Jim Arnett, Captain's Howell, Johnson, Coonrod & Major Denny have upheld the Doctor's Choice in this matter as well as made policy refusing medical care IF we as inmates can not pay.

- B. State briefly your legal theory or cite appropriate authority:

The Actions of the listed Defendants violates The 8th Amendment of the United States Constitution, Article I, Section 21 of the Missouri State Constitution Estelle v. Gamble, 429 U.S. 97, 103 (1976), Hill v. DeKalb Reg'l Youth Det. Ctr., 40 F.3d 1176, 1187 (11th Cir 1994), Estelle, 429 U.S. at 104; Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir 2006) Brock v. Wright, 315 F.3d 158 (2d Cir 2005) & McRaven v. Sanders, 577 F.3d 979 (8th Cir 2009)

On May 11th 2017 Springfield Police officer shot me in the back and right leg while running away. I was taken to Mercy Hospital treatment. Medical staff did surgery to see that vital organs were okay.

On May 14th I was released to GREENE County Jail where I have been every since. On July 4th, 7th & 10th complained about stomach pain & possible hernia on Nov 28th 2017 seen LPN Ashlie Shimmmin with protruding hernia about middle of stomach.

On 12-12-17 seen Doctor at Mercy who had me sign paper's to agree to surgery. On Jan 8th 2018 asked Dr. Willkins about surgery, said would look into. On Jan 9th was told would do surgery if I could pay by Morgan Wamhoff LPN. Complained of hernia again on 2-12-2018.

On 4-5-2018 was called to medical by Dr J. Willkins, Cpt. Howell, E. Portenheimer and given a copy of page 26 Greene County Jail Rule Book And RSMo 221.120. and to I had to pay for it.

Also on 12-18-2017 I placed a sick call in to see a specialist for nerve damage in my spine. was also told then would not be sent if I could not pay.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
I ask that this honorable court order this institution to have
my medical needs taken care of and grant the damages I ask
for.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☒ No ☐

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

Shawn Markin 630 N. Robinson Springfield, Mo. 65806, Michael Horn 703 U.S. 65
Business Branson, Mo. 65616, Brad Bradshaw MD 1736 E. Sunshine Suite 200 Springfield, Mo 65807
Brian Johnson 911 N. Boonville Ave. Springfield, Mo. 65802

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ☐ No ☒

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 27th day of April 2018.

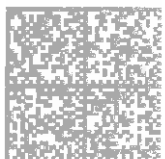
Michael Duane Hancock
Signature(s) of Plaintiff(s)

Michael Hancock #1954765
GREENE COUNTY Jail
1000 N Booneville Ave.
Springfield, Mo. 65802

RECEIVED

2018 MAY 29 PM 12:13

U.S. DISTRICT COURT
KANSAS CITY, MO.



UNITED STATES PS
02 1P
0008876:
MAILED PRO

SCREENED BY
U.S. MARSHALS

U.S. District Court
Office of Clerk
1510 Whitaker Courthouse
400 E. Ninth Street
Kansas City, Mo. 64106

LEGAL MAIL